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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,900	08/03/2001	Ola Jonassen	503235-25	9847

7590

09/24/2003

PITNEY, HARDIN, KIPP & SZUCH LLP
685 3RD AVENUE
NEW YORK, NY 10017-4024

EXAMINER

WILSON, PAMELA ANNE

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 09/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



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7590 07/25/2003
Joseph C Sullivan
Pitney Harden Kipp & Szuch
711 Third Avenue
New York, NY 10017

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DATE MAILED: 07/25/2003

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Office Action Summary

Application No.

09/701,900

Applicant(s)

JONASSEN ET AL.

Examiner

Pamela A Wilson

Art Unit

3749

-- Th MAILING DATE of this communication appears on the cover sheet with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. The Specification is objected to because it does not follow the format of the preferred layout, as stated below. Correction is required. See MPEP § 608.01(a).

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a

Art Unit: 3749

nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 1, lines 1-3 and claim 2, lines 2-3, recite "a porous matrix from solution, a paste, an extract, a granulated material or such." The aforementioned claim language is considered to be indefinite because it implements alternative options from which the porous matrix can be derived. These alternative options are not considered to be basic equivalents and therefore the issue of uncertainty is raised with respect to the intended scope of the claim language.

6. Claim 1, lines 3 and 7, and claim 2, lines 3 and 9, recite the phraseology "or such" or "such as" and is deemed to be indefinite because it is considered to encompass elements which are not actually disclosed, and hence, it renders the scope of the claim to be unascertainable (MPEP 2173.05(d)).

7. Claim 1, lines 15 and 18, recite "a heat exchanger" which is deemed to be confusing because it is unclear as to whether the "heat exchanger" presented in line 18 is the same, or an additional feature to the "heat exchanger" presented in line 15.

Art Unit: 3749

8. Claim 1, lines 19-20 recite "the process is repeated" which is considered to be vague and indefinite because it is unclear as to what "the process" is intended to define.

9. Claims 1 and 2 recite limitations which are considered to contain an insufficient antecedent basis for their presence in the claim language, those limitations are as follows: claim 1, lines 11 and 15, "the mixture", claim 1, lines 13-14, "the flowing drying medium", claim 1, line 14, "the blower", claim 1, line 14, "the matrix moisture", claim 1, lines 17 and 19, "the drying medium", claim 1, line 19, "the process".

Pertinent Prior Art

10. The prior art made of record, which presents subject matter relating to the production of porous matrix articles, has not been relied upon; however, it is considered pertinent to applicant's disclosure: US Patent No. 6592787 B2 awarded to Pickrell et al., US Patent No. 6363743 B1 awarded to Johassen et al., US Patent No. 5629191 awarded to Cahn, US Patent No. 5527498 awarded to Kelley, and US Patent No. 5486246 awarded to Kelley.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela A Wilson whose telephone number is 703/308-2620. The examiner can normally be reached on Tues-Wed (6:30 a-3:00 p) and alternating Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703/308-1935. The fax phone numbers for

Art Unit: 3749

the organization where this application or proceeding is assigned are 703/305-7764 for regular communications and 703/305-7764 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-0861.

A handwritten signature in black ink that reads "Pamela A. Wilson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Pamela A Wilson
Primary Examiner
Art Unit 3749

paw
July 23, 2003